

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DIANE MARY FELTZ,

Plaintiff,

v.

UNITED STATES,

Defendant.

ORDER

13-cv-749-wmc

Plaintiff Diane Feltz has filed a proposed civil action against defendant United States, alleging that the Wausau VA Clinic refused to dispense prescribed medication to her late husband, Myron Feltz, which led to her husband's suicide. Plaintiff has asked for leave to proceed *in forma pauperis* and has supported her request with an affidavit of indigency. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), in which case the fee is \$350. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3,700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.

- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff has no dependents. Her monthly income is \$2,389 a month, or \$28,668 annually. Because plaintiff's income falls in the \$16,000 to \$32,000 range, she must prepay half of the \$350 fee for filing this case. Once payment has been received, the court will review the substance of plaintiff's complaint to determine whether any portion must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted, or because plaintiff is seeking money damages from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that:

1. The motion filed by plaintiff Diane Feltz for leave to proceed without prepayment of fees (Dkt. # 4) is GRANTED.
2. Plaintiff is assessed \$175 as an initial partial payment of the \$350 fee for filing this case as an indigent litigant. She shall submit a check or money order made payable to the "Clerk of Court" in the amount of \$175 on or before December 4, 2013. **Plaintiff is advised that, if she fails to comply as directed or show cause of her failure to do so, the court will assume that she does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**

3. No further action will be taken in this case until the court receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint pursuant to 28 U.S.C. § 1915 to determine whether the case must be dismissed because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Once the screening process is complete, a separate order will issue.

Entered this 8th day of November, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge